



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,801	03/23/2004	Jesse A. Branch III	X.9454	9952
7590 06/02/2006			EXAMINER	
J.W. Gipple P.O. Box 40513 Washington, DC 20016			ART UNIT	PAPER NUMBER

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/805,801	Applicant(s) BRANCH, JESSE A.	
	Examiner Gay Ann Spahn	Art Unit 3673	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 21 April 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

Continuation from Box No. 10 on page 1:

With respect to Box No. 2 on page 1, the examiner notes that the Brief does not contain a statement of the status of all claims. For instance, instead of Applicant's first paragraph under the heading "Status of the Claims", Appellant should state something similar to the following: "Claims 1-5 stand canceled. Claims 6-10 stand rejected and the rejection of these claims is being appealed." Also, the second paragraph under the heading "Status of the Claims" should be deleted because the Request for Reconsideration should only be discussed under the heading "Status of the Amendments". In addition, Appellant should not reference claims that have not been entered.

With respect to Box No. 4 on page 1, the examiner notes that the Brief does not contain a concise explanation of the subject matter defined in each independent claim involved in the appeal. In other words, independent claim 6 should basically be restated and within parentheses, Applicants should list the reference numerals and/or page numbers and lines of the specification which support the subject matter of claim 6 similar to the following:

Claim 6 discloses a hammock support structure comprising:

a plurality of round or tubular sections (2-4, 7, 8) which can be assembled into an arc shaped stand (Fig. 2) for supporting a hammock, and foot supports (7, 8) attached to the bottom surface of said stand and extending perpendicularly outward therefrom; the arc shaped stand (Fig. 2) being formed of a bottom mid section (2), and end sections (3, 6) attached to opposite ends of the said bottom mid section (2) and extending upwardly and outwardly therefrom, at least one of said end sections (6), being divided, at a point commencing at or near one (8) of said foot supports (7, 8), to form two or more prong sections (4A, 4B) extending upwardly and outwardly from said foot support means (24A, 24B) for supporting said hammock attached toward the outer ends of said prong sections (4A, 4B), detachable means to secure said arc shaped stand to said foot supports (7, 8).

With respect to Box No. 5 on page 1, the examiner notes that the Brief does not contain a concise statement of each ground of rejection presented for review. In other words, the Brief should basically state as follows: "The ground of rejection to be reviewed in this appeal is the rejection of claims 6-10 under 35 U.S.C. 103(a) as being unpatentable over Clark (U.S. Patent Application 2004/0244112 or U.S. Patent Application No. 2005/0015876) in view of any one of Hoffman '211 (U.S. Patent No. 4,673,211), Hoffman '130 (U.S. Patent No. 5,362,130), or Mourot (U.S. Patent No. 2,888,689)." In other words, since the specification of Clark (U.S. Patent Application 2004/0244112 and Clark (U.S. Patent Application No. 2005/0015876) is the same the two may be treated as one reference. However, Hoffman '211 (U.S. Patent No. 4,673,211) and Hoffman '130 (U.S. Patent No. 5,362,130) are two different patents having similar, but differing disclosure and differing structure (see, in particular, the structure represented by reference numeral 10) and therefore, should be kept separate.

With respect to Box No. 6 on page 1, the examiner notes that arguments against Clark (U.S. Patent Application 2004/0244112 or U.S. Patent Application No. 2005/0015876) in view of any one of Hoffman '211 (U.S. Patent No. 4,673,211), Hoffman '130 (U.S. Patent No. 5,362,130), or Mourot (U.S. Patent No. 2,888,689) should differentiate between Hoffman '211 (U.S. Patent No. 4,673,211) and Hoffman '130 (U.S. Patent No. 5,362,130) because as stated above with respect to Box No. 5, Hoffman '211 (U.S. Patent No. 4,673,211) and Hoffman '130 (U.S. Patent No. 5,362,130) are two different patents having similar, but differing disclosure and differing structure (see, in particular, the structure represented by reference numeral 10) and therefore, should be discussed separately.

With respect to Box No. 8 on page 1, the examiner notes that the "Evidence Appendix" should begin on a separate sheet of paper and then state "None" below the heading on that separate sheet.

With respect to Box No. 9 on page 1, the examiner notes that the "Related Appeals and Interferences Appendix" should begin on a separate sheet of paper and then state "None" below the heading on that separate sheet.



Suzanne Dino Barrett
Primary Examiner

8/18
shope